



April 7, 2023

Exhibit B

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RE: Strickland v. United States (1:20-cv-00066-WGY)

Dear Mr. Kolsky, Ms. Westmoreland, and Ms. McMahon:

We are writing to follow up on our March 31, 2023 conference call, during which we stated that we would discuss your questions regarding discovery with Plaintiff. Below are our responses from that inquiry.

Defendants' Doc. Request No. 8: Defendants requested “[a]ll documents referring to, describing, or otherwise reflecting economic injuries for which Plaintiff seeks damages in the instant action, including but not limited to documents relating to mitigation and attempts to pursue other employment opportunities.” In response, Plaintiff explained that the Fourth Circuit upheld the dismissal of her claims for damages, and that failure to mitigate damages was not properly raised in Defendants’ Answer and is not part of this case. Plaintiff’s Response to Def.’s RFP No. 8. Nevertheless, because Plaintiff is seeking equitable relief for her lost future earnings (front pay), she provided IRS wage and income transcripts for all years from 2014 to present. Plaintiff also provided all pay vouchers she has received since beginning her current employment and will continue to do so on a rolling basis, including as an attachment to the email relaying this letter.

Plaintiff has produced responsive documents representing her income for nearly the past ten years. As Plaintiff previously stated, other documents showing her finances would be redundant and violate her

Interrogatory No. 20: Defendants requested that Plaintiff provide information regarding each recording produced in discovery, including the date of the recording, the parties to the conversation, and the method by which the conversation was recorded. Plaintiff has already provided this information for many of the recordings as part of her privilege log, served on March 25, 2023. With this letter, Plaintiff has produced a chart with the remaining recordings not captured by her privilege log.

Defendants requested a similar chart for the recordings that Plaintiff did not produce because they do not contain any information relevant to this litigation. In her review, Plaintiff discovered one additional recording that she had inadvertently overlooked and has included that in the log as well. Although Plaintiff is not required to create a privilege log for information that is not relevant to any claim or defense, she has added information regarding those recordings in the spirit of cooperation and transparency.

Respectfully,

/s/ Olivia Warren
Olivia Warren

/s/ Jeannie Suk Gersen
Jeannie Suk Gersen

Counsel for Plaintiff

Strickland v. United States, No. 20-cv-66

Plaintiff's RECORDINGS Privilege Log

	Date Range (on or about)	Doc. Type	Sender(s)/Recipient(s)	Category Description	Privilege Justification	Docs. Withheld/Redactions
1	August 9, 2018 ¹	Audio Recording	Tony Martinez/Caryn Strickland	n/a	n/a	n/a
2	February 26, 2019	Audio Recording	Ed Smith/Caryn Strickland/Cooper Strickland	n/a	n/a	n/a
3	February 12, 2019	Audio Recording	Ed Smith/Caryn Strickland	n/a	n/a	n/a
4	March 8, 2019	Audio Recording	Relevant Speakers: Ed Smith/Caryn Strickland/Cooper Strickland/Judge Floyd	n/a	n/a	n/a
5	February 7, 2019	Audio Recording	Ed Smith/Caryn Strickland/Cooper Strickland	n/a	n/a	n/a
6	November 27, 2018	Audio Recording	James Ishida/Caryn Strickland/Cooper Strickland	n/a	n/a	n/a

¹ This recording was provided to Heather Beam as part of the EDR investigation. Mr. Martinez's statements that were captured on the recording were part of the basis for subsequent disciplinary action against him. *See* Bates Nos. US1244, 1312.

With one exception noted below, all recordings were taken by audio recorder. As noted in Plaintiff's prior correspondence, the name of each file is preserved according to the original format provided by the device, with the exception of any relevant identifiers of "redacted" or "confidential" provided by Plaintiff. Each file name contains the date of and time of the recording as created by the device (for example, "181005_1434" represents October 5, 2018, at 2:34 p.m.).

7	May 7, 2019	Audio Recording	James Ishida/Caryn Strickland/Kim Llewelyn	n/a	n/a	n/a
8	January 17, 2019	Audio Recording	James Ishida/Caryn Strickland/Kim Llewelyn/Cooper Strickland	n/a	n/a	n/a
9	January 9, 2019	Audio Recording	James Ishida/Caryn Strickland/Kim Llewelyn/Cooper Strickland	n/a	n/a	n/a
10	September 5, 2018	Audio Recording	James Ishida/Caryn Strickland	n/a	n/a	n/a
11	September 18, 2018	Audio Recording	James Ishida/Caryn Strickland/Cooper Strickland	n/a	n/a	n/a
12	November 8, 2018	Audio Recording	Kelly Johnson/Caryn Strickland	FDO client identifying info, FDO work product information and internal discussion of FDO cases ²	AC privilege WP privilege Relevancy	Recording withheld

² Because the redactions of FDO related information concern many different clients, proceedings, and case assignments, a categorical description of the basis for redaction is provided throughout this document. Counsel are available to meet and confer regarding any specific questions pertaining to the redactions.

13	September 13, 2018	Audio Recording	Amaal Scroggins/Caryn Strickland	n/a	n/a	n/a
14	August 21, 2018	Audio Recording	Josh Carpenter/Caryn Strickland	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
15	September 6, 2018	Audio Recording	Ivette Arroyo-Becker/Caryn Strickland	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
16	March 11, 2019	Audio Recording	Tony Martinez/Caryn Strickland	n/a	n/a	n/a
17	September 7, 2018	Audio Recording	FDO All Staff Meeting: Relevant Speaker Tony Martinez	n/a	n/a	n/a
18	August 23, 2018	Audio Recording	Phil Likins/Caryn Strickland	n/a	n/a	n/a
19	September 14, 2018	Audio Recording	Josh Carpenter/Caryn Strickland	n/a	n/a	n/a
20	March 11, 2018	Audio Recording	Bill Moormann/Caryn Strickland	n/a	n/a	n/a

21	August 30, 2018	I Phone	Brian Wise/Caryn Strickland	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Irrelevant portion of recording withheld
22	March 8, 2019	Audio Recording	FDO All staff meeting	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
23	February 8, 2019	Audio Recording	FDO All staff meeting	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
24	October 5, 2018	Audio Recording	FDO All staff meeting	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
25	August 27, 2018	Audio Recording	Kelly Johnson/Caryn Strickland	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld

26	January 23, 2019	Audio Recording	Kelly Johnson/Caryn Strickland	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
27	December 4, 2018	Audio Recording	Kelly Johnson/Caryn Strickland	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
28	October 30, 2018	Audio Recording	Josh Carpenter/Caryn Strickland	n/a	Relevancy (vm asking to call back)	Recording withheld
29	August 21, 2018	Audio Recording	Josh Carpenter/Caryn Strickland	n/a	Relevancy (vm asking to call back)	Recording withheld
30	February 26, 2019	Audio Recording	Josh Carpenter/Caryn Strickland	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
31	October 4, 2019	Audio Recording	Josh Carpenter/Caryn Strickland	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld

32	January 11, 2019	Audio Recording	FDO “Appellate Team” Meeting	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
33	October 29, 2018	Audio Recording	Jared Martin/Caryn Strickland	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
34	February 6, 2019	Audio Recording	FDO Meeting (Trial Case)	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
35	December 21, 2018	Audio Recording	FDO “Appellate Team” Meeting	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
36	October 5, 2018	Audio Recording	FDO “Appellate Team” Meeting	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld

37	February 8, 2019	Audio Recording	FDO Meeting (Trial Case)	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
38	January 25, 2019	Audio Recording	FDO All staff meeting	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
39	October 1, 2018	Audio Recording	FDO “Appellate Team” Meeting	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
40	October 12, 2018	Audio Recording	Josh Carpenter/Caryn Strickland	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld
41	October 19, 2018	Audio Recording	FDO All staff meeting	FDO client identifying info, FDO work product information and internal discussion of FDO cases	AC privilege WP privilege Relevancy	Recording withheld